

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Robert Lee Conner, # 265379,

Petitioner,

v.

**State of South Carolina; and Henry
McMaster, Attorney General for
of South Carolina,**

Respondents.

C/A No. 6:04-22831-CMC-WMC

OPINION AND ORDER

This action is before the court pursuant to a petition filed on November 8, 2004, for a *writ of habeas corpus* under Title 28, United States Code, Section 2254. The *pro se* Petitioner is currently confined at the York County Detention Center, as a designated facility for the South Carolina Department of Corrections, pursuant to an order of the Clerk of Court for York County, where he is serving his state sentence. Respondents filed their return and a motion for summary judgment on January 20, 2005. Petitioner filed an untimely response in opposition to the motion for summary judgment on February 24, 2005.

In accordance with the court's order of reference and 28 U.S.C. § 636(b), this matter comes before the court with the Report and Recommendation of United States Magistrate Judge William M. Catoe. The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b).

Based on his review of the record, the Magistrate Judge recommended that Respondents' motion for summary judgment be granted. The Magistrate Judge advised Petitioner of his right to file objections to the Report and the possible consequences if he failed to do so. Petitioner filed his objections July 13, 2005.

The court has carefully considered Petitioner's objections and finds them to lack merit. After reviewing the Petition, the motion, the record, the applicable law, the Report and Recommendation of the Magistrate Judge, and the objections by Petitioner, the court agrees with the recommendation of the Magistrate Judge. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated in full by reference. Therefore, Respondents' motion for summary judgment is **GRANTED** and the Petition is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
August 1, 2005